

REMARKS

This Amendment is responsive to the Office Action dated April 17, 2003. Claims 1-16 were pending in the application. In the Office Action, claims 1-5, 8, 9 and 10-14 were rejected and claims 6, 7, 15 and 16 were objected to. In this Amendment, claims 1, 9 and 10 have been amended. Claims 1-16 thus remain for consideration.

Applicants submit that claims 1-16 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

§102 and §103 Rejections

Claims 1-5, 8 and 10-14 were rejected under 35 U.S.C. §102(b) as being anticipated by Zehavi (U.S. Patent No. 5,414,728).

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Zehavi.

Applicants submit that the independent claims (claims 1 and 10) are patentable over Zehavi.

Applicants' invention as recited in the independent claims is directed toward a system and method for detecting information symbols transmitted according to a CDMA technique. Each of the claims recites the use of multiple spreading codes and multiple scrambling codes. For example, claim 1 recites in pertinent part: "according to which CDMA technique the information symbols are spread with different spreading codes and scrambled with different scrambling codes."

Zehavi fails to disclose the use of both multiple spreading codes and multiple scrambling codes. Indeed, close inspection of Zehavi reveals that Zehavi discloses the use of

multiple spreading codes (pseudorandom noise sequences PNI and PNQ for its I and Q channels, respectively) but only one scrambling code (pseudorandom noise sequence PN) (see e.g. Zehavi column 6, line 12 – column 7, line 20). Accordingly, Applicants believe that claims 1 and 10 are patentable over Zehavi on at least this basis.

Claims 2-9 depend on claim 1. Since claim 1 is believed to be patentable over Zehavi, claims 2-9 are believed to be patentable over Zehavi on the basis of their dependency on claim 1.

Claims 11-16 depend on claim 10. Since claim 10 is believed to be patentable over Zehavi, claims 11-16 are believed to be patentable over Zehavi on the basis of their dependency on claim 10.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.


The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Bruno Polito
Reg. No. 38,580
(212) 588-0800